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MS#302405.4 (5023)  
PATENT**REMARKS**

Applicants have thoroughly considered the Examiner's remarks in the May 6, 2004 Office action. Claims 1-38 are presented in the application for further examination. Claims 1, 4, 9, 10, 16, 20, 23, 28, 29, and 35 have been amended by this Amendment A to more clearly set forth the present invention. Reconsideration of the application claims as amended and in view of the following remarks is respectfully requested.

**Response to Claim Rejection under 35 U.S.C. § 103(a)**

1.-5. Claims 1, 4, 8, 20-23, and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Page (U.S. Patent No. 6,285,999) in view of Fogg et al. (U.S. Patent No. 6,163,778). Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Page in view of Fogg et al. and further in view of Pirolli et al. (U.S. Patent No. 5,835,905). Claims 5-7 and 24-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Page in view of Fogg et al. and further in view of Sprague (U.S. Patent No. 5,870,744).

Regarding claim 1, Applicants agree that the Page reference fails to teach or suggest "*modifying said first collection rating for said first rating scale for contents of said first document collection based on said determined first link rating for said first rating scale for contents linked with contents of said first document collection.*" But Applicants respectfully disagree that the Fogg reference discloses this aspect of the present invention.

The Fogg reference is directed to probabilistic web link viability marker and web page ratings. Specifically, the Fogg reference discloses:

Hypertext information links are typically contained in documents accessible by networks. Data is gathered regarding the results of attempted access to documents identified by these links. The link's viability is calculated based on the number of successful attempts resulting in successful access in order to provide a measure of link viability. The display of the document is altered based on the measure of link viability. An average of link viability for all links on the document, and on the site, is used to calculate document viability and site viability which can be used to rate the document and site, respectively.

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As can be seen, the Fogg reference uses an average of link viability to rate a document or a site. The link viability of the Fogg reference is based on the number of attempts resulting in successful access to a document or site identified by a link. This measure of link viability is distinguishable from the link rating of the present invention, which is based on *contents* linked with *contents* of a document collection. To clarify the present invention, claim 1 has been amended to recite that *the first link rating relates to a desirability of the contents linked with the contents of the first document collection*. Applicants submit that neither the Page reference nor the Fogg reference teaches or suggests that the link rating relates to a desirability of contents linked with contents of a document collection, as recited in amended claim 1.

Moreover, Applicants submit that it is not obvious to combine the teachings of Page directed node ranking in a linked database with the teachings of Fogg et al. directed to link viability. Particularly, the Page reference fails to suggest that link viability, which is independent of content, may be used to rank a node in a linked database. Thus, the references primarily cited by the Examiner are a mere aggregation based on hindsight analysis of the claims.<sup>1</sup> Neither reference suggests the applicability of link viability as disclosed by Fogg et al. to the node ranking of Page. Without such a teaching, the obviousness rejection falls short and must be withdrawn. "[T]he question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination."<sup>2</sup> As has been shown, the non-analogous teachings of the prior art relate to different fields of endeavor and are directed to entirely different problems. Therefore, nothing in the cited references suggests their combination.

In light of the foregoing, Applicants submit that Fogg et al. in combination with Page fail to teach or suggest each and every element of claim 1. Accordingly, claim 1 is believed to be allowable over the cited art.

<sup>1</sup> See *In re Oetiker*, 977 F.2d 1443, 1447 (Fed. Cir. 1992) ("There must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge can not come from the applicant's invention itself.").

<sup>2</sup> *Lindemann MaschinenFabrick GMBH v. Am. Hoist & Derrick Co.*, 730 F.2d 1452, 1462 (Fed. Cir. 1984).

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Claim 20 similarly recites "*modify[ing] said first collection rating for said first rating scale for contents of said first document collection based on said determined first link rating for said first rating scale for contents linked with contents of said first document collection.*" Claim 20 has also been amended to recite that *the first link rating relates to a desirability of the contents linked with the contents of the first document collection*. Based on the above remarks, Applicants submit that Fogg et al. in combination with Page fail to teach or suggest each and every element of claim 20. Thus, claim 20 should be allowable over the cited art.

Claims 2-8 depend from claim 1, and claims 21-27 depend from claim 20. Therefore, these claims are believed to be allowable over the cited art for at least the same reasons that claims 1 and 20 are allowable over such art.

**6-8.** Claims 9, 28, 15, and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Duffy et al. (U.S. Patent No. 5,911,043). Claims 10-13 and 29-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Duffy et al. in view of Pirolli et al. Claims 14 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Duffy et al. in view of Katariya et al. (U.S. Patent No. 6,473,753).

The Office action asserts that the Duffy reference, at column 1, lines 63-65, suggests "determining sizes of the documents of said subset.". However, the cited passage in the Duffy reference merely discloses a rating technique that produces document ratings by analyzing specific content or words and phrases in a document. Applicants do not understand how such an analysis of specific content or words and phrases in a document would disclose the determination of sizes of documents as recited in claim 9. Notwithstanding the rejection, Applicants cannot find any language in the Duffy reference that would suggest that the content or words and phrases are represented as the size of the document.

To clarify the invention, claim 9 has been amended to recite "*determining document sizes of the documents of said subset.*" Applicants submit that none of the references cited by the Examiner teaches or suggests this aspect of the invention. Moreover, claim 9 recites that the collection rating is *normalized* by the determined document sizes of the subset of documents. None of the references cited by the Examiner teaches or suggests such a normalization of claim 9.

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In light of the above, Applicants submit that Duffy et al. fail to teach or suggest each and every element of claim 9. Thus, claim 9 is believed to be allowable over the cited art.

Similarly, claim 28 has been amended to recite the determination of *document sizes*. Claim 28 also recites that the collection rating is *normalized* by the determined document sizes of the subset of documents. Accordingly, claim 28 is also believed to be allowable over the cited art.

Claims 10-15 depend from claim 9, and claims 29-34 depend from claim 28. Therefore, these claims should be allowable over the cited art for at least the same reasons as the claims from which they depend.

**9-11.** Claims 16, 17, 35, and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Page in view of Rydahl et al. (WO 01/33413). Claims 18 and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Page in view of Rydahl et al. and further in view of Fogg et al. Claims 19 and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Page in view of Rydahl et al. and further in view of Fogg et al. and Paepke (U.S. Patent No. 6,249,785).

Claim 16 recites "*determining a link rating for said rating scale for said first document collection based on either said determined collection rating or ratings for said rating scale for said at least one other second document collection, or said determined collection rating or ratings for said rating scale for said at least one other third document collection, or both, depending on whether collection rating or ratings are determined for said rating scale for said at least one other second document collection, said at least one other third document collection or both.*" The Office action states that the Rydahl reference, at page 10, lines 5-25, teaches this aspect of the invention. However, the Rydahl reference only teaches that a rating could be based on a number of usage entries for each resource link such that content accessed the most by all users of the system would be rated highest. (*Rydahl et al., page 10, lines 14-17*). Claim 16 has been amended to clarify that *the collection rating for the rating scale for each of said at least one other second/third document collection relates to a desirability of a content of the at least one other second/third document collection*. Applicants submit that the collection rating of claim 16, which relates to a desirability of a content of a

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document collection, is distinguishable from the number of usage entries for each resource link disclosed by Rydahl et al. Furthermore, Applicants submit that none of the references cited by the Examiner teaches or suggests that the collection rating may relate to a desirability of a content of a document collection, as recited in claim 16.

Thus, Rydahl et al. in combination with Page fail to disclose each and every element of claim 16, and claim 16 is believed to be allowable over such art.

Similarly, claim 35 has been amended to clarify that *the collection rating for the rating scale for each of said at least one other second/third document collection relates to a desirability of a content of the at least one other second/third document collection.* In light of the above, Applicants submit that Rydahl et al. in combination with Page fail to disclose each and every element of claim 35. Therefore, claim 35 is also believed to be allowable over such art.

Regarding claims 17 and 36, the Examiner contends that the Rydahl reference, at page 10, lines 15-25, discloses "*determining document ratings for said rating scale for documents of the particular document collection, and sizes of the documents, and determining the collection rating for the particular document collection based on the determined document ratings and the determined sizes.*" Nevertheless, the Rydahl reference merely discloses that a rating could be based on a number of usage entries for each resource link, a subset of users who share certain characteristics, a timestamp submitted as part of activity parameters, and a modification date submitted as part of the activity parameters. (*Rydahl et al., page 10, lines 5-28*). The Rydahl reference or any of the cited references fails to teach or suggest that a collection rating may be determined based on sizes of documents, as recited in claims 17 and 36. Accordingly, claims 17 and 36 should be allowable over the cited art.

In addition, claims 17-19 depend from claim 16 and claims 36-38 depend from claim 35. Thus, claims 17-19 are believed to be allowable over the cited art for at least the same reasons as claim 16 and claims 36-38 are believed to be allowable over the cited art for at least the same reasons as claim 35.

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**Conclusion**

12.-13. It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited invention. If the Examiner feels, for any reason, that a personal interview will expedite the prosecution of this application, he is invited to telephone the undersigned.

Any required fees or overpayments should be applied to Deposit Account No. 19-1345.

Respectfully submitted,



James J. Barta, Jr., Reg. No. 47,409 for  
Robert M. Bain, Reg. No. 36,736  
SENNIGER, POWERS, LEAVITT & ROEDEL  
One Metropolitan Square, 16th Floor  
St. Louis, Missouri 63102  
(314) 231-5400

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